

REMARKS

The Office Action mailed December 15, 2010, for which a one month extension of time to respond is hereby requested, in the nature of a requirement for restriction, has been carefully reviewed. Favorable consideration is respectfully requested.

Restriction has been required among what the Examiner considers to be patentably distinct species of the invention, as follows:

Group I, drawn to methotrexate-hyaluronic acid conjugates of formula I' and II', presently comprising claims 1-10 and 12-17;

Group II, drawn to drawn to methotrexate-hyaluronic acid conjugates of formula III and IV, presently comprising claims 1-10 and 12-17;

Group III, drawn to drawn to methotrexate-hyaluronic acid conjugates of compounds other than compounds of Groups I and II, presently comprising claims 1-10 and 12-17;

Group IV, drawn to drawn to a method of making compounds of Group I, presently comprising claim 11;

Group V, drawn to drawn to a method of making compounds of Group II, presently comprising claim 11; and

Group VI, drawn to drawn to a method of making compounds of Group III, presently comprising claim 11.

Applicant hereby elects, with traverse, Group I, claims 1-10 and 12-17, drawn to methotrexate-hyaluronic acid conjugates of formulae I' and II' and their intermediates.

Applicant further elects, with traverse, the species MTX- α -PhePhe-NHC₂H₄NH-HA (see Examples 2-1 to 2-7). Claims 1-9 and 12-17 read on this conjugate.

Applicant further elects, with traverse, the intermediate, which is the subject of claim 10, namely, MTX- α -PhePhe-NHC₂H₄NH₂, of Example 1-1.

This election is made with traverse. The Examiner alleges that the special technical feature is not special because methotrexate and hyaluronic acid and their conjugation are not [a] contribution over the prior art.

It is respectfully submitted that this is not a valid reason for requiring restriction. The Examiner has not cited any art that would deny the novelty of the specific conjugates of Claims 1-9 and 12-17. While there may be conjugates of methotrexate and hyaluronic acid, the Examiner has cited no art teaching or suggesting the particular linkers used in the conjugates claimed herein. Therefore, it is respectfully submitted that the common structure represented by the following recitation in claim 1 is novel:

Methotrexate is conjugated with a carboxyl group of hyaluronic acid, a hyaluronic acid derivative, or a salt thereof through a linker containing a peptide chain consisting of 1 to 8 amino acids.

It is respectfully submitted that the conjugates of claims 1-9 and 12-17 all have the same special technical feature, and thus they meet the unity of invention requirement.

It is respectfully requested that the Examiner examine the entire scope of claims 1-9 and 12-17, **rather than merely Group I**. Further, since claim 11 depends from claim 1, the process of claim 11 should also be examined, or at least should be rejoined when the invention of claim 1 is deemed to be allowable.

If the election requirement is maintained, it will be clear on the record that the PTO considers the groups to be **patentably distinct** from one another *i.e.*, *prima facie* **non-obvious** from one another. This means that a reference identical to the one group would not render the other group *prima facie* obvious.

Favorable consideration and examination of all pending claims on the merits are respectfully requested.

Respectfully submitted,

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